

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard HATCH et al.

Application No.: 10/023,700

Confirmation No.: 6915

Filing Date: December 21, 2001

Title: ELECTRONIC DEVICE

Examiner: Raymond S. Dean

Art Unit: 2618

Docket No.: NOKIA.41US

Commissioner for Patents

April 3, 2007

P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CLARIFICATION OF OFFICE ACTION

Sir:

Applicants acknowledge the Office Action dated January 3, 2007. The Office Action makes new obviousness rejections of the pending claims. Applicants find the obviousness rejection of claims 17-18, 22-23 and 27-28 confusing and request that it be clarified so that applicants may file a suitable reply to the rejection.

The outstanding Office Action, in part 1 on page 1, states as follows:

applicants' arguments filed October 30, 2006 . . . "with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art Will (US 6,392,640)..."

This statement is confusing in several respects. First of all, "claim(s) 1" is confusing since there is no claim 1 pending. It is also not clearly stated which, if not all, rejections of which, if not all, claims have been persuasively traversed by applicants. Clarification is needed.

The status of one previous argument and one current rejection is also unclear. In the previous Office Action dated June 28, 2006, all of the pending claims were rejected as being obvious over U.S. Patent No. 5,797,098 to Schroeder et al in view of U.S. Patent No. 6,801,659 to O'Dell. In the second argument against this rejection (appearing on pages 2-3 and entitled "Selective Combination of References"), applicants argued that the selective combination of only a small part of the O'Dell patent (see col. 7, lines 29-43) with the Schroeder patent was an inappropriate selective combination of parts of the references. While the current obviousness rejection of claims 3, 11, 13-16, 19-21, 24-26 and 29-30 does not again depend on the cited part of the O'Dell patent, the current obvious rejection of claims 17-18, 22-23 and 27-28 does depend on the cited part of the O'Dell patent.

Part 1 on page 1 of the currently outstanding Office Action apparently states that applicant's argument against the selective combination of the cited part of the O'Dell patent was persuasive and withdrawn, while the rejection of claims 17-18, 22-23 and 27-28 in part 4 on pages 7-8 still relies upon the cited part of the O'Dell patent. The status of the second argument and the rejection of claims 17-18, 22-23 and 27-28 is thus unclear. If the argument was persuasive, then why is the cited part of the O'Dell patent still being relied upon in a selective combination that includes the Schroeder patent? In light of this confusion, applicants ask that the rejection of claims 17-18, 22-23 and 27-28 be clarified, such as by explaining the reliance on the cited part of the O'Dell patent, or the reasoning of the rejection, more fully. Applicants still intend to argue for the allowance of claims 17-18, 22-23 and 27-28 in their reply to the Office Action and the failure to clearly address the argument adversely affects their ability to do so.

Applicants also note that, even though a new reference is being relied upon in the current rejection of claims 17-18, 22-23 and 27-28, the argument against the selective combination of the cited part of the O'Dell patent is still applicable and relevant because the cited part of the O'Dell patent is still being applied and relied upon in the rejection. Thus, the merits of the argument should be addressed. See MPEP 707.07(f), and in particular, the Examiner Note to Form Paragraph 7.38. Applicants request that they have an opportunity of at least one month in which to respond to any such corrected or supplemental Office Action.

Applicants do not believe any fees are due with this Request. However, the Commissioner is hereby authorized to charge any additional fees, which may be required with this communication, or to credit any overpayment, to Deposit Account No. 10-0100 (NOKIA.41US).

Date: April 3, 2007

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Robert Bauer", is written over a horizontal line.

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